

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

FRANCISCO JAVIER ESPARZA-
GARCIA, ET AL.,

Plaintiffs,

v.

MORGAN VAN LINES, INC, ET AL.,

Defendants.

Case No. 2:19-CV-04015-NKL

MORGAN VAN LINES, INC.

Third-Party Plaintiff,

v.

HECTOR VALENZUELA, OSCAR
AVILA-HUERTA, MARIO CHAVEZ,
individually, and MARIO CHAVEZ d/b/a
CHAVEZ ROOFING, and MATTHEW
STEYER,

Third Party Defendants.

ORDER

This is an action for wrongful death arising from the death of Alejandro Esparaza-Cardona on March 26, 2018 due to a motor vehicle collision. The plaintiffs, Francisco Javier Esparza-Garcia and Raquel Cardona Moran, are the parents of the decedent. The parties reported to the Court that they reached a settlement of this action, and Plaintiffs have filed a Motion to Approve Settlement and Distribution of Proceeds, Doc. 67, seeking approval of the settlement and requesting distribution of the settlement proceeds pursuant to R.S.Mo. §537.095. Plaintiffs have provided the Court with the affidavits of Plaintiffs Francisco Javier Esparza-Garcia and Raquel Cardona Moran,

and a proposed distribution of the settlement funds based upon the contractual agreement entered into by Plaintiffs for attorneys' fees and expenses. After reviewing the evidence, the Court hereby finds and orders as follows:

1. Alejandro Esparza-Cardona, (born January 10, 1991) was involved in a motor vehicle collision on March 26, 2018, in Cooper County, Missouri. As a result of the collision, Alejandro Esparza-Cardona died at the scene.

2. Francisco Javier Esparza-Garcia and Raquel Cardona Moran are the surviving, natural parents of Alejandro Esparza Cardona and have filed a wrongful death action pursuant to R.S.Mo. §537.080 against Defendants Morgan Van Lines, Inc.

3. Francisco Javier Esparza-Garcia and Raquel Cardona Moran are the proper, and only, heirs-at-law pursuant to R.S.Mo. §537.080(1) entitled to pursue this wrongful death action and seek an allocation of the net settlement proceeds.

4. Subject to the approval of the Court, Plaintiffs have agreed to enter into a settlement agreement, pursuant to R.S.Mo. §537.065, with Defendants and Third Party Defendants.

5. Plaintiffs seek approval of the above-referenced settlements and request distribution of the settlement proceeds pursuant to R.S.Mo. §537.095, as set forth in their proposed *Motion to Approve Settlement and Distribution of Proceeds*.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. Plaintiffs Francisco Javier Esparza-Garcia and Raquel Cardona Moran are the surviving, natural parents of Alejandro Esparza-Cardona who was killed in an automobile collision that occurred on March 26, 2018, in Cooper County, Missouri.

2. Plaintiffs Francisco Javier Esparza-Garcia and Raquel Cardona Moran are the only beneficiaries entitled to bring a cause of action pursuant to R.S.Mo. §537.080 for the wrongful death of their unmarried, adult child, Alejandro Esparza-Cardona.

3. The settlement agreements presented to the Court are fair, reasonable, and in the best interest of the Beneficiaries.

4. Plaintiffs retained the services of the law firms Phipps Deacon Purnell and Bryan K. Harris, PC. Plaintiffs' contracted attorneys' fees are fair, reasonable, and hereby approved. Plaintiffs' attorneys' fees shall be paid from the total proceeds of the settlement.

5. Litigation expenses presented to the Court are fair, reasonable, and hereby approved. Plaintiffs' litigation expenses shall be paid from the total proceeds of the settlement.

6. Plaintiffs Francisco Javier Esparza-Garcia and Raquel Cardona Moran are ordered, empowered, authorized, and directed to execute the proposed settlement agreements and such other documents as are reasonably required to effectuate the terms of the respective settlement agreements.

7. Defendants are ordered, empowered, authorized, and directed to tender the proposed settlement funds and execute the proposed settlement agreements and such other documents as are reasonably required to effectuate the terms of the respective settlement agreements.

IT IS SO ORDERED.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: November 22, 2019
Jefferson City, Missouri